GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – M.A. & U.D. Department – Srikakulam Municipality - Sri B. Suresh Kumar, the then Incharge TPO, Srikakulam Municipality and now working as City Planner, GVMC., Visakhapatnam - Allegations on failure to discharge the duties properly in initiating action against the unauthorized and irregular construction of Apartments in Srikakulam Municipality – Departmental Proceedings under Rule 20 of Andhra Pradesh Civil Services (Classification, Control and Appeal) Rules, 1991 - Orders - Issued.

MUNICIPAL ADMINISTRATION & URBAN DEVELOPMEN (VIG.1) DEPARTMENT

G.O.RT.No. 154 **Dated: 14-02-2018**

Read:-

G.O.Rt.No.148, M.A. & U.D. (Vig.I) Department, dt: 14.02.2018.

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O R D E R:

It is proposed to hold an enquiry against Sri B. Suresh Kumar, the then incharge TPO and now working as City Planner, GVMC., Visakhapatnam in accordance with the procedure laid down in Rule 20 of the A.P.Civil Services (Classification, Control & Appeal) Rules, 1991.

2. The substance of the imputations of misconduct or misbehavior in respect of which the inquiry is proposed to be held is set-out in the enclosed statement of articles of charges (Annexure-I). A statement of imputations of misconduct or misbehavior in support of each article of charge is enclosed (Annexure-II). A list of documents by which, and a list of witness by whom, the articles of charges are proposed to be sustained are also enclosed (Annexure III and IV).

3. Sri B. Suresh Kumar, the then incharge TPO and now working as City Planner, GVMC., Visakhapatnam is directed to submit a written statement of defense within (10) days of the receipt of this order.

4. Sri B. Suresh Kumar, the then incharge TPO and now working as City Planner, GVMC., Visakhapatnam is informed that an inquiry will be held only in respect of those articles of charge as are not admitted. He should, therefore, specifically admit or deny each article of charge.

5. Sri B. Suresh Kumar, the then incharge TPO and now working as City Planner, GVMC., Visakhapatnam is further informed that if he does not submit written statement of defense on or before the date specified in para 3 above or otherwise fails or refuses to comply with the provisions of Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 or the orders issued in pursuance of the said rules, the Inquiring Authority may hold the inquiry against him ex -parte.

6. Attention of Sri B. Suresh Kumar, the then incharge TPO and now working as City Planner, GVMC, Visakhapatnam is invited to Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964, under which no Government

(PTO)

servant shall bring or attempt to bring any political or outside influence to bear upon any superior authority to further his interest in respect of matters pertaining to her service under the Government. If any representation is received on his behalf from another person in respect of any matter dealt with these proceedings it will be presumed that Sri B. Suresh Kumar, the then incharge TPO and now working as City Planner, GVMC., Visakhapatnam is aware of such a representation and that it has been made at his instance and action will be taken against him for violation of Rule 24 of the A.P.Civil Services (Conduct) Rules, 1964.

7. The Director of Town & Country Planning, A.P., Guntur is directed to furnish the copies of documents as per Annexure-III to Sri B. Suresh Kumar, the then incharge TPO and now working as City Planner, GVMC., Visakhapatnam.

8. The receipt of the G.O. shall be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

To
Sri B. Suresh Kumar, the then incharge TPO and now working
as City Planner, GVMC., Visakhapatnam
through the Director of Town & Country Planning, A.P., Guntur.
The Director of Town & Country Planning, AP, Guntur.

Copy to:

The General Administration (V&E) Department.
The Secretary to APVC, 5th Block, A.P. Secretariat, Velagapudi.
The Commissioner, Srikakulam Municipality, Srikakulam District.
The Principal Accountant General (A&E), A.P., Hyderabad.
SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-I to G.O.Rt.No.154 , M.A. & U.D. (Vig.I) Department, dated: 14.02.2018.

Statement of articles of charge framed against Sri B. Suresh Kumar, the then Incharge TPO, Srikakulam Municipality

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Article of Charge —I:

That the said Sri B. Suresh Kumar, while functioning as Town Planning and Building Overseer at Srikakulam Municipality has allowed unauthorized construction of 3rd and 4th floors, setback deviations and also height of the building over and above the permissible Stilt + Ground floor + 2 upper floors with 18 meters height of the building of Sri Runkana Ravi, 1 Way traffic road, Srikakulam and thereby held responsible for the same.

Basis of the Charge:

During the course of inspection made by Vigilance and Enforcement authorities, they have observed the following. The Building owner has constructed Stilt + GF + 4 Upper floors as against Stilt + Ground + 2 Upper floors vide approved plan No.269/2014, dated.29-09-2014. The observed physical measurements of the building are tabulated below.

Floor	Approved floor area in Sq.mts.	Constructed floor area in Sq.Mts.	Excess floor area constructed in Sq.mts.	Remarks
Ground floor	137.04	194.00	56.96	There were unauthorized construction of 3rd & 4th floors and deviations of constructed area.
1st floor	137.04	194.00	56.96	
2nd floor	137.04	194.00	56.96	
3rd floor	0	194.00	194.00	
4th floor	0	194.00	194.00	
Total	411.12	970.00	558.88	

Further, the height of the building of Stilt + Ground floor + 4 upper floors is found to be more than the permissible height of 18 meters.

Thus, the Charged Officer is held responsible for the same.

Article of Charge-II:

That during the aforesaid period and while functioning in the aforesaid office in the aforesaid post, the said Sri B. Suresh Kumar, TPO, Srikakulam Municipality had colluded with the applicants in the unlawful activity and thereby held responsible for the same.

Basis of the Charge:

With regard to the above construction, as per the inspection of V& E authorities the building of Sri Runkana Ravi is found to be constructed with setback deviations and 2 unauthorised floors, The building was still in progress at the time of inspection and thus the Owner of the building is not entitled for claiming the facility under BPS 2015 and liable for actions under Law. Moreover the building permission as accorded on 29-09-2014 for construction of building with Stilt G + 2 upper floors only. But the building owner has constructed Stilt + GE + 4 upper floors. There was only a period of 3 months (i.e., 92 days 29-09-2014 to 31-12-2014) in between the plan approval and BPS ceiling period, which is highly impossible for construction of Stilt + GE + 4 Upper floors.

The Charged Officer, while working as Incharge TPO of Srikakulam Municipality has not properly discharged his duties and deliberately colluded with owner of the Building in hiding the facts in order to regularize the building under BPS Scheme without proceeding for legal actions and issuing notices as per law.

With the above, it is clear that the charged officer colluded with parties and thus responsible for the same.

Article of Charge-III:

That during the aforesaid period and while functioning in the aforesaid office in the aforesaid post, the said Sri B. Suresh Kumar, Incharge TPO, Srikakulam Municipality had failed to take action against the deviations /unauahtorised construction of 2 additional floors made by the building owner and thereby held responsible for the same.

Basis of the Charge:

As per the findings of Vigilance and Enforcement authorities, on receipt of BPS application of Sri Runkana Ravi, 1 Way Traffic road, Srikakulam vide application No.BPS/SRI/5/8601915, Dated.14.07.2015, the Charged Officer failed to initiate appropriate action against the said Building Owner under provisions and procedures in vogue and also Act & Rules. But, no action initiated by the Charged Officer against the building owner. Thus, the Charge is inevitable.

Article of Charge-IV:

That during the aforesaid period and while functioning in the aforesaid office in the aforesaid post, the said Sri B. Suresh Kumar, Incharge TPO, Srikakulam Municipality had failed to discharge his legitimate duties properly and sincerely and thereby held responsible for the same.

Basis of the Charge:

As evident from the above chares, the charged Officer did not care to perform his official duties properly. Hence, he failed to discharge his legitimate duties with due care and diligence and responsible for the said lapse.

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-II to G.O.Rt.No.154 , M.A. & U.D. (Vig.I) Department, dated:14.02.2018.

Statement Of Imputations Of Misbehaviour / Misconduct Against Sri B. Suresh Kumar, the then Incharge TPO, Srikakulam Municipality

During the course of enquiry of V & E Officials, they have observed that Sri Runkana Ravi, 1 Way Traffic Road, Puja Marbles, Srikakulam has obtained building permission No.269/2014/G1, Dated.29.09.2014 from the Municipal Commissioner, Srikakulam Municipality for construction of Stilt + Ground floor + 2 upper floors. But on verification by V & E authorities, the building owner has constructed Stilt + Ground floor + 4 upper floors with setback deviations and violating the sanctioned building plan and crossed the permissible height of 18 mts.

Further, the building owner has applied for BPS fraudulently, though the building is not yet completed in full shape as on the date of V & E inspection i.e., 21-12-2015. Hence, the said building is not eligible for BPS, as per Government orders.

Thus, the Charged Officer has failed to take action against the deviations made by the building owner, besides not rejected the BPS application, thus colluded with the applicant in submitting fraudulent application.

Thus, the Charged Officer is held responsible for the same.

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-III to G.O.Rt.No.154 , M.A. & U.D. (Vig.I) Department, dated: 14.02.2018.

List of documents by which the articles of charge framed against Sri B. Suresh Kumar, the then Incharge TPO, Srikakulam Municipality are proposed to be sustained:

1. General administration (Vigilance & Enforcement) Dept. Vigilance Report No. 90 (C.No. 1106/V&E/D1/2016). Dt. 19.09.2017.
2. Govt.Memo.No. 863317/Vig.i.12017,dt. 02.01.2018

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER

Annexure-IV to G.O.Rt.No.154 , M.A. & U.D. (Vig.I) Department, dated: 14.02.2018.

List of witnesses by whom the articles of charge framed against Sri B. Suresh Kumar, the then Incharge TPO, Srikakulam Municipality are proposed to be sustained:

--NIL--

R.KARIKAL VALAVEN
PRINCIPAL SECRETARY TO GOVERNMENT

//FORWARDED::BY ORDER//

SECTION OFFICER